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Iwao Fujisaki
1-3-14 Park Heim A103
MITAKASHI Inokashira
TOKYO, 181-0001
JAPAN

| EXAMINER | |
|---|---|
| NGUYEN, DAVID Q | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2617 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

iwaofujisaki@hotmail.com

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/710,600 | FUJISAKI, IWAO | |
| | Examiner | Art Unit | |
| | DAVID Q. NGUYEN | 2617 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *03 October 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *46-48 and 66-82* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *46-48 and 66-82* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *All*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 46-82 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 46, 48, 67, 69-70, 79 and 81-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (US 6,148,212) in view of Janssen et al. (US 2003/0157929 A1).

Regarding claim 46, Park et al. discloses a method for a communication device, said method comprising: communication device remote controlling step (see fig. 2 and col. 3, lines 36-45; the subscriber can instruct the MS 210 to cause the PIU to perform a variety of different functions); wherein said communication device is remotely controlled via a user instruction entered by a phone when said phone communication device remote controlling step is implemented (see fig. 2 and col. 3, lines 36-45, lines 62-65; the subscriber can place the call from either another MS, or a wireline phone within the PSTN, the subscriber can instruct the MS 210 to cause the PIU to perform a variety of different functions), wherein in response to the user entering said user instruction by said phone, said communication device receives a communication device controlling command via a network to which said communication device is connected in a wireless fashion, and said communication device implements a communication

device controlling task in response to said communication device controlling command, thereby said communication device is remotely controlled via said user instruction entered by said phone, and thereby a communication device controlled notice which corresponds to said user instruction is output from said phone (see fig. 2 and col. 3, lines 36-45, lines 62-65; the subscriber can place the call from either another MS, or a wireline phone within the PSTN, the subscriber can instruct the MS 210 to cause the PIU to perform a variety of different functions). Park et al do not mention wherein said communication device is a portable device is operable to implement voice communication. However, Janssen et al. teach a phone communication device remote controlling a communication device being a portable device which is operable to implement voice communication (see fig. 3 and pars. 0042-0044; cordless handset 221 and cellular handset 115). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Janssen et al. to Park et al. in order for making and receiving cellular telephone calls via cordless telephone handsets.

Regarding claim 48, Park et al. discloses a communication device remotely controlling system to control a communication device by phone or internet, wherein said communication device remotely controlling system includes a communication device remotely controlling means (see fig. 2 and col. 3, lines 36-45; the subscriber can instruct the MS 210 to cause the PIU to perform a variety of different functions); wherein, in response to a user instruction being entered by a phone or via the internet by a user, said communication device remotely controlling means transmits a communication device controlling command, which is transferred to said communication device via a network to which said communication device is connected in a wireless fashion (see fig. 2 and col. 3, lines 36-45, lines 62-65; the subscriber can place the call

from either another MS, or a wireline phone within the PSTN, the subscriber can instruct the MS 210 to cause the PIU to perform a variety of different functions); said communication device implements a communication device controlling task in response to said communication device controlling command (see fig. 2 and col. 3, lines 36-45, lines 62-65; the subscriber can place the call from either another MS, or a wireline phone within the PSTN, the subscriber can instruct the MS 210 to cause the PIU to perform a variety of different functions); and in response to the implementation of said communication device controlling task, said communication device remotely controlling means transmits a communication device controlling result, thereby a communication device controlled notice which corresponds to said user instruction is output from said phone or via the internet (see fig. 2 and col. 3, lines 36-45, lines 62-65; the subscriber can place the call from either another MS, or a wireline phone within the PSTN, the subscriber can instruct the MS 210 to cause the PIU to perform a variety of different functions). Park et al do not mention wherein said communication device is a portable device is operable to implement voice communication. However, Janssen et al. teach a phone communication device remote controlling a communication device being a portable device which is operable to implement voice communication (see fig. 3 and pars. 0042-0044; cordless handset 221 and cellular handset 115). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Janssen et al. to Park et al. in order for making and receiving cellular telephone calls via cordless telephone handsets.

Regarding claims 67 and 79, Park et al. disclose wherein said user instruction indicates to output audio data from said speaker of said communication device which is a mobile phone, and said communication device controlled notice indicates that audio data is output from said speaker

(see fig. 2 and col. 3, lines 36-45, lines 62-65; the subscriber can instruct the MS 210 to cause the PIU to perform a variety of different functions and activating/deactivating the car alarm).

Regarding claims 69 and 81, Park et al. disclose wherein said user instruction indicates to lock said communication device which is a mobile phone, and said communication device controlled notice indicates that said communication device is locked (see fig. 2 and col. 3, lines 36-45, lines 62-65; the subscriber can instruct the MS 210 to cause the PIU to perform a variety of different functions and locking/unlocking the car door and disabling the engine).

Regarding claims 70 and 82, Park et al. disclose wherein said user instruction indicates to power off said communication device which is a mobile phone, and said communication device controlled notice indicates that said communication device is powered off (see fig. 2 and col. 3, lines 36-45, lines 62-65; the subscriber can instruct the MS 210 to cause the PIU to perform a variety of different functions and turning on/off the head light and disabling the engine).

3. Claims 47, 73 and 75-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (US 6,148,212) in view of Kolls (US 6,615,186 B1) and further in view of Janssen et al. (US 2003/0157929 A1).

Regarding claim 47, Park et al. discloses a method for a communication device, said method comprising: communication device remote controlling step (see fig. 2 and col. 3, lines 36-45; the subscriber can instruct the MS 210 to cause the PIU to perform a variety of different functions); wherein said communication device is remotely controlled via a user instruction entered by a phone when said phone communication device remote controlling step is implemented (see fig. 2 and col. 3, lines 36-45, lines 62-65; the subscriber can place the call from either another MS, or a wireline phone within the PSTN, the subscriber can instruct the

MS 210 to cause the PIU to perform a variety of different functions), wherein in response to the user entering said user instruction by said phone, said communication device receives a communication device controlling command via a network to which said communication device is connected in a wireless fashion, and said communication device implements a communication device controlling task in response to said communication device controlling command, thereby said communication device is remotely controlled via said user instruction entered by said phone, and thereby a communication device controlled notice which corresponds to said user instruction is output from said phone (see fig. 2 and col. 3, lines 36-45, lines 62-65; the subscriber can place the call from either another MS, or a wireline phone within the PSTN, the subscriber can instruct the MS 210 to cause the PIU to perform a variety of different functions).

Park et al. do not mention the user instruction entered via the internet and wherein said communication device is a portable device is operable to implement voice communication. However, Kolls discloses the user instruction entered via the internet (see fig. 1L; col. 10, lines 45-67 and col. 37, lines 40-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Kolls to Park et al. so that user can control the remote device by not using the telephone via cellular network but also using the computer via internet network. Park et al in view of Kolls do not mention wherein said communication device is a portable device is operable to implement voice communication.

However, Janssen et al. teach a phone communication device remote controlling a communication device being a portable device which is operable to implement voice communication (see fig. 3 and pars. 0042-0044; cordless handset 221 and cellular handset 115). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

was made to provide the above teaching of Janssen et al. to Park et al. in order for making and receiving cellular telephone calls via cordless telephone handsets

Regarding claim 73, Park et al. disclose wherein said user instruction indicates to output audio data from said speaker of said communication device which is a mobile phone, and said communication device controlled notice indicates that audio data is output from said speaker (see fig. 2 and col. 3, lines 36-45, lines 62-65; the subscriber can instruct the MS 210 to cause the PIU to perform a variety of different functions and activating/deactivating the car alarm).

Regarding claim 75, Park et al. disclose wherein said user instruction indicates to lock said communication device which is a mobile phone, and said communication device controlled notice indicates that said communication device is locked (see fig. 2 and col. 3, lines 36-45, lines 62-65; the subscriber can instruct the MS 210 to cause the PIU to perform a variety of different functions and locking/unlocking the car door and disabling the engine).

Regarding claim 76, Park et al. disclose wherein said user instruction indicates to power off said communication device which is a mobile phone, and said communication device controlled notice indicates that said communication device is powered off (see fig. 2 and col. 3, lines 36-45, lines 62-65; the subscriber can instruct the MS 210 to cause the PIU to perform a variety of different functions and turning on/off the head light and disabling the engine).

4. Claims 66 and 77-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (US 6,148,212) in view of Janssen et al. (US 2003/0157929 A1) and further in view of Osann, Jr. (US 2003/0153364 A1).

Regarding claims 66 and 77, Park et al. disclose wherein said user instruction indicates to deactivate the silent mode of said communication device, and said communication device

controlled notice indicates that the silent mode is deactivated (see fig. 2 and col. 3, lines 36-45, lines 62-65; the subscriber can instruct the MS 210 to cause the PIU to perform a variety of different functions and activating/deactivating the car alarm). Park et al. in view of Janssen et al. do not mention wherein a vibrator is activated in lieu of outputting an audio upon receiving a phone call when said silent mode is activated. However, Osann, Jr. teaches a vibrator is activated in lieu of outputting an audio upon receiving a phone call when said silent mode is activated (see par. 0057). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Osann, Jr.. to Park et al. in view of Janssen et al. in order for informing user an incoming phone call.

Regarding claim 78, Park et al. disclose wherein said user instruction indicates to deactivate the silent mode of said communication device and output audio data from said speaker, and said communication device controlled notice indicates that the silent mode is deactivated and audio data is output from said speaker (see fig. 2 and col. 3, lines 36-45, lines 62-65; the subscriber can instruct the MS 210 to cause the PIU to perform a variety of different functions and activating/deactivating the car alarm). Park et al. in view of Janssen et al. do not mention wherein a vibrator is activated in lieu of outputting an audio upon receiving a phone call when said silent mode is activated. However, Osann, Jr. teaches a vibrator is activated in lieu of outputting an audio upon receiving a phone call when said silent mode is activated (see par. 0057). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Osann, Jr. to Park et al. in view of Janssen et al. in order for informing user an incoming phone call.

5. Claims 71 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (US 6,148,212) in view of Kolls (US 6,615,186 B1) and further in view of Janssen et al. (US 2003/0157929 A1) and still in view of Osann, Jr. (US 2003/0153364 A1).

Regarding claim 71, Park et al. disclose wherein said user instruction indicates to deactivate the silent mode of said communication device, and said communication device controlled notice indicates that the silent mode is deactivated (see fig. 2 and col. 3, lines 36-45, lines 62-65; the subscriber can instruct the MS 210 to cause the PIU to perform a variety of different functions and activating/deactivating the car alarm). Park et al. in view of Janssen et al. do not mention wherein a vibrator is activated in lieu of outputting an audio upon receiving a phone call when said silent mode is activated. However, Osann, Jr. teaches a vibrator is activated in lieu of outputting an audio upon receiving a phone call when said silent mode is activated (see par. 0057). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Osann, Jr. to Park et al. in view of Janssen et al. in order for informing user an incoming phone call.

Regarding claim 72, Park et al. disclose wherein said user instruction indicates to deactivate the silent mode of said communication device and output audio data from said speaker, and said communication device controlled notice indicates that the silent mode is deactivated and audio data is output from said speaker (see fig. 2 and col. 3, lines 36-45, lines 62-65; the subscriber can instruct the MS 210 to cause the PIU to perform a variety of different functions and activating/deactivating the car alarm). Park et al. in view of Janssen et al. do not mention wherein a vibrator is activated in lieu of outputting an audio upon receiving a phone call when said silent mode is activated. However, Osann, Jr. teaches a vibrator is activated in lieu of

outputting an audio upon receiving a phone call when said silent mode is activated (see par. 0057). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Osann, Jr. to Park et al. in view of Janssen et al. in order for informing user an incoming phone call.

6. Claims 74 is rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (US 6,148,212) in view of Kolls (US 6,615,186 B1) and further in view of Janssen et al. (US 2003/0157929 A1) and still in view of Huang et al. (2004/0257208 A1).

Regarding claim 74, Park et al in view of Kolls do not mention wherein said user instruction indicates to change password pertaining to said communication device, and said communication device controlled notice indicates that password pertaining to said communication device is changed. However, Huang et al. disclose user instruction indicates to change password pertaining to said communication device, and said communication device controlled notice indicates that password pertaining to said communication device is changed (see pars. 0021 and 0091). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Huang et al. to Park et al. in view of Kolls in order for purpose of security system which can be especially useful if the car has been stolen.

7. Claims 68 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (US 6,148,212) Janssen et al. (US 2003/0157929 A1) and further in view of Huang et al. (2004/0257208 A1).

Regarding claims 68 and 80, Park et al. in view of Janssen et al. do not mention wherein said user instruction indicates to change password pertaining to said communication device, and

said communication device controlled notice indicates that password pertaining to said communication device is changed. However, Huang et al. disclose user instruction indicates to change password pertaining to said communication device, and said communication device controlled notice indicates that password pertaining to said communication device is changed (see pars. 0021 and 0091). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Huang et al. to Park et al. in order for purpose of security system which can be especially useful if the car has been stolen.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID Q. NGUYEN whose telephone number is (571)272-7844. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lao LunYi can be reached on (571)272-7671. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David Q Nguyen/
Primary Examiner, Art Unit 2617